IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL APPLICATION NO.7710 OF 2005
IN
CRIMINAL APPEAL NO.1085 OF 2005

Arjun Gangaram Kamble — Appellant

Vs.

The State of Maharashtra — Respondent

Mr.K.P.Pawar for appellant.
Mrs.A.S.Pai, APP for State.

CORAM: B.H.MARLAPALLE & SMT.R.S.DALVI,JJ.

January 09, 2006.

P.C.

1. Heard the learned counsel for the applicant who is praying for being released on bail. He has been convicted and sentenced for an offence punishable under Section 302 of IPC by the learned Addl. Sessions Judge in Sessions Case No.944 of 2004 and Criminal Appeal No.1085 of 2005 against the said order of conviction and sentence has been admitted by this Court on 14-12-2005.

2. Having heard the learned counsel for the applicant and perused the order of the Sessions Court we have noticed that the prosecution case was supported by the evidence of PW 1-I.S.Shejwal, who

happens to be the brother of the deceased. The testimony of PW 1 is supported, as per the trial Court, by the evidence of other two witnesses i.e. Deepak Savardekar-PW 2 and the evidence of the I.O. On the face of the reasoning set out by the trial Court on the basis of the evidence adduced by the prosecution we are satisfied that the applicant has failed to make out a case to suspend the order of sentence under Section 389 of Cr.P.C. and release him on bail.

3. The application is, therefore, rejected. However, hearing in the appeal is hereby expedited. The learned counsel for the appellant is at liberty to file paper-book within a period of eight weeks and apply for early hearing of the appeal.

(SMT.R.S.DALVI,J.) (B.H.MARLAPALLE,J.)